REMARKS

Claims 1-3 have been examined, and claims 4-11 have been withdrawn from consideration for being directed to a non-elected invention. Of the examined claims, claims 1 and 2 have been rejected under 35 U.S.C. § 101, claims 1-3 have been rejected under 35 U.S.C. § 102(e), and claim 2 has been rejected under 35 U.S.C. § 103(a).

I. Consideration of Information Disclosure Statement ("IDS")

The Examiner states that he has not considered the references cited in the IDS filed on February 23, 2004, because the IDS does not contain a translation of the foreign Japanese references. Applicant respectfully submits that the IDS is proper and that the Examiner should have considered the references.

For example, 37 C.F.R. § 1.98(a)(3) does not require a translation of the foreign references and instead, merely requires a concise explanation of the relevance of the references. In the IDS filed on February 23, 2004, Applicant submitted English abstracts of the references, noted that the references are described on pages 2 and 3 of the present application, and noted that Japanese Patent No. 3270917 corresponds to U.S. Patent No. 5,690,104. Accordingly, Applicant submits that the IDS clearly satisfies the requirements of 37 C.F.R. § 1.98(a)(3) and respectfully request the Examiner to consider all of the cited references.

II. Rejection under 35 U.S.C. § 101

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 101 because they allegedly do not recite statutory subject matter. Specifically, the Examiner contends that the claims consist solely of data manipulation and are not statutory because the claimed method does not produce a tangible result. Applicant respectfully disagrees.

For example, claim 1 is a method and recites the operations of receiving a first signal coming from a medium for a predetermined time period and receiving a second signal coming from the medium for the predetermined time period. Since these operations are more than just data manipulation, Applicant submits that claim 1 recites statutory subject matter. Moreover, since 35 U.S.C. § 101 expressly states that a process constitutes statutory subject matter, Applicant submits that the method claim satisfies the requirements of the statute. Also, since claim 2 depends upon claim 1, it contains at least the statutory subject matter of claim 1.

III. Rejection under 35 U.S.C. § 102(e) over U.S. Patent No. 7,025,728 to Ito et al. ("Ito")

Claims 1-3 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Ito. Applicant submits that the claims are patentable over the reference.

For example, the filing date (*i.e.*, October 31, 2002) of one of the priority documents (*i.e.*, Japanese Application No. P2002-318278 ("the '278 application")) is before the filing date (*i.e.*, September 12, 2003) of the Ito reference. Since the '278 application supports the subject matter of claims 1-3 of the present application, Applicant is perfecting its claim to priority by concurrently filing a verified translation of the '278 application to eliminate Ito as prior art. Accordingly, Applicant submits that claims 1-3 are patentable.

IV. Rejection under 35 U.S.C. § 102(e) over U.S. Patent Publ. No. 2006/0111623 to Stetson ("Stetson")

Claims 1 and 3 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Stetson.

A. Claim 1

Applicant submits that claim 1 is patentable over the reference. For example, the claim relates to a method that determines a rotating angle of a rotating matrix so as to minimize a distribution range of a first data set and a second data set which are projected on one of a first axis and a second axis. Also, the method separates a signal component and a noise component in observed data by rotating the data sets with the rotating angle. Since Stetson does not suggest determining a rotating angle in the claimed manner and separating components of the signals by rotating a matrix in accordance with such a rotating angle, Applicant submits that claim 1 is patentable.

B. Claim 3

Since claim 3 depends upon claim 1, Applicant submits that it is patentable at least by virtue of its dependency.

V. Rejection under 35 U.S.C. § 103(a) over Stetson and U.S. Patent No. 6,265,868 to Richter ("Richter")

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Stetson and Richter. Since claim 2 depends upon claim 1, and since Richter does not cure the deficient teachings of Stetson with respect to claim 1, Applicant submits that the claim is patentable at least by virtue of its dependency.

VI. Newly added claims

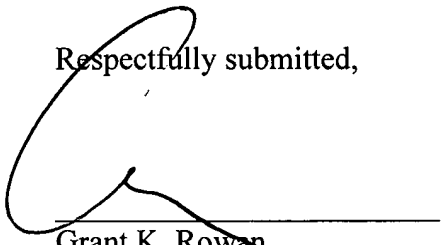
Applicant has adding new claims 12 and 13. Since such claims depend upon claim 1, Applicant submits that they are patentable at least by virtue of their dependency.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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